

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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Notice of Proposed Rulemaking	)	
	)	
Appropriate Regulatory Treatment for	)	CS Docket No. 02-52
Broadband Access to the Internet Over	)	
Cable Facilities	)	
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**REPLY COMMENTS OF THE IOWA LEAGUE OF CITIES**

These reply comments are filed by the Iowa League of Cities (ILOC is an association of 870 of Iowa's cities, comprising nearly 99% of Iowans who reside in cities) in support of the comments filed by the Alliance of Local Organizations Against Preemption (the "Alliance"). Like the Alliance, the ILOC believes that (a) local communities should be able to require cable operators to obtain additional authorizations to use and occupy public rights of way to provide cable services, and to enforce existing authorizations that have been granted for the service; (b) should be able to obtain fair and reasonable compensation for use and occupancy of the public rights of way to provide non-cable services; and (c) should be able to regulate cable companies in their provision of non-cable services, as provided under the Cable Act.

1. Our members and the status of cable modem service.

Iowa cities are served by a variety of cable companies. Cable modem service is offered in many of our communities while others are being upgraded to offer the service.

2. City franchise and cable modem service

Iowa cities have received franchise fees for cable modem service through their franchise and licensing authorities.

3. How Iowa cities regulate cable modem service.

Iowa cities regularly receive complaints from customers regarding the services provided by cable operators. These include complaints about traditional video programming services and about cable modem services. Responding to these complaints requires significant staff time and effort.

There are many unique customer service problems associated with cable modem services. In addition, it is often difficult, if not impossible, to separate regulation of cable modem service from the regulation of cable service in many critical respects:

- Cable modem service is often marketed jointly with cable service.
- Complaints about promotional practices may apply to both services.
- A single bill and/or similarly appearing bills from the same company, are sent for cable modem and cable services, so billing complaints involve both.
- Customer service calls go to a single number, so telephone answering policies affect both.
- A customer may call a single location to schedule installation of cable service and cable modem service, and customer complaints about installations and missed appointments may relate to both services.

As a result, when one service has problems, the quality of the other service can be affected. Customers are advised on their bill by the cable operator that they can call their city with complaints, and as far as we can tell, at no time does the operator advise the customer that protections accorded with respect to cable service do not apply with respect to cable modem service. In our view, there is a substantial and continuing need to protect consumers of cable modem service, in light of the complaints received, and because of its close tie to video services.

4. Iowa cities and broadband deployment.

Our members believe it is very important to encourage broadband deployment, and to encourage development of broadband applications. They also believe that in order to achieve the promise of broadband, it must be made available to the entire community, as far as possible. Iowa cities want to

avoid knowledge and opportunity gaps created because some parts of the community have access to broadband information, while others do not.

To that end, Iowa cities devote significant resources to take advantage of the information highway and to extend its benefits to all. Loss of these funds will make it more difficult to protect consumers and to promote broadband deployment in Iowa communities.

Respectfully submitted,

A handwritten signature in black ink, reading "LaMetta K. Wynn". The signature is fluid and cursive, with the first name "LaMetta" being more prominent and stylized than the last name "Wynn".

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